

REMARKS

In response to the Office Action mailed September 7, 2010, the Assignee of the present application (Nuance Communications Austria GMBH) respectfully requests reconsideration. Claims 1-19 have been presented for examination. All have been rejected. Herein, Assignee (1) amends claims 1-19, and requests reconsideration. No new matter has been added.

Provisional Double Patenting Rejection

Claims 4, 5, 8, 9, 11, 12, 14, 15, 17 and 18 were provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-20 of co-pending application no. 10/595831. The referenced claims 1-20 of the '831 application have been canceled in an amendment filed on even date, rendering moot this provisional rejection.

Claim Rejections – 35 USC § 101

Claims 1, 2, 4, 5, and 14-19 have been rejected as directed to non-statutory subject matter. Without acquiescing in the rejections or the logic of the Office Action, and solely to advance prosecution, each of claims 1, 14 and 19 (the independent claims) has been amended in response to this rejection.

Amended claim 1 now recites:

A computer-implemented method of modifying a-text data ~~(400)~~
using a set of statistical models ~~(406, 408)~~ being generated on the basis of
training data and/or by manual coding, the method of modifying the text
comprising ~~the steps of~~ operating a computer processing unit to:

~~segmenting~~ the text data into a plurality of sections ~~(402, 404)~~,

~~assigning~~ one of the set of statistical models ~~(406, 408)~~ to each
section, and

performing a text modification procedure for each section with respect to the statistical model being assigned to the section.

That is, claim 1 is now drawn to a computer-implemented method in which a computer processor unit is operated to perform certain recited operations. As such, this claim is directed to a method tied to a machine and is therefore limited to statutory subject matter.

Amended claim 14 now recites:

A computer program product for modifying a text ~~(400)~~ using a set of statistical models ~~(406, 408)~~ being generated on the basis of training data and/or by manual coding, the computer program product comprising a computer-readable storage medium encoded with computer-executable instructions which when executed by a computer processing unit~~program means for:~~ segmenting the text into a plurality of sections ~~(402, 404)~~, and assigning one of the set of statistical models ~~(406, 408)~~ to each section, performing a text modification procedure for each section with respect to the statistical model being assigned to the section.

Thus, the computer program product of claim 14 is now limited to one comprising “a computer-readable storage medium encoded with computer-executable instructions which when executed by a computer processing unit” effectuate two recited operations. Those skilled in the art will recognize that a “computer program product” is different from a “computer readable medium” which, according to the Office’s position (with which Assignee disagrees) could encompass “transitory propagating signals per se.” In lieu of adding the adjective “non-transitory” as Director Kappos has suggested for such claims, Assignee has made clear the exclusion of transitory signals by reciting “a computer-readable *storage* medium.” With this change, clearly claim 14 is directed to statutory subject matter.

Claim 19, like claim 14, recites a computer program product, and it has been amended in a fashion similar to that used with respect to claim 14. Clearly, claim 19, for like reasons., is directed to statutory subject matter.

Claim Rejections – 35 USC § 102

The Office Action rejects claims 1-19 under 35 U.S.C. § 102(e) as purportedly being anticipated by Kanevsky (U.S. Patent No. 6,529,902). Reconsideration is requested.

Claim 1 recites a computer-implemented method of modifying text data using a set of statistical models being generated on the basis of training data and/or by manual coding, the method of modifying the text comprising operating a computer processing unit to perform three operations: segmenting the text data into a plurality of sections; assigning one of the set of statistical models to each section; and performing a text modification procedure for each section with respect to the statistical model being assigned to the section.

Kanevsky describes a system that detects topical changes in a text. Column 1, lines 9-15. The system analyzes the text in two “time” directions, forward (i.e., from the beginning to the end) and backward (i.e., from the end to the beginning). Column 2, lines 13-30. If the same topics are obtained for both directions, they are used to label the corresponding portions of the text. Column 2, lines 36-45. If conflicting decisions are obtained, the system attempts to resolve them. Column 2, lines 46-49.

The Office Action appears to treat the forward and backward, or right and left, LMs as two of the statistical models required in claim 1. However, if that is a correct understanding of the Office Action, there is no basis for the rejection because *both* LMs are applied to each and every section of text. This does not correspond to the claimed “assign *one* of the set” of models and the claimed “perform a text modification procedure for each section with respect to *the* statistical model being assigned to the section.” (Emphasis added.) Note the use of the singular number “one,” the singular definite article “the” and the singular “model” not the plural “models.”

Selectively associating a statistical model with a section is quite different from applying the same, multiple models to *all* sections.

The language of claim 14 is quite similar to that of claim 1 in this respect.

Accordingly, claim 1 is not anticipated by Kanevsky.

Though the Office Action lumped claim 19 together with claim 14, in fact it contains different limitations. However, for purposes of addressing this rejection, there is a similar point to be made, as one can see by looking at the final limitation of claim 19: “select a second language model and assign the second language model to a subsequent portion of speech, if the subsequent portion of speech is better modeled by the second language model than by the first language model.” This limitation presents a choice of which language model is assigned to the “subsequent” portion of speech, depending on which model is superior for that portion. This again means the left and right LMs being assigned to all portions of speech does not anticipate claim 19, either.

For the foregoing reasons, none of claims 1-19 is anticipated by Kanevsky and the rejection should be withdrawn.

General Comments on Dependent Claims

Because each of the dependent claims depends from a base claim that is believed to be in condition for allowance, the Assignee believes that it is unnecessary at this time to argue the further distinguishing features of all of the dependent claims. However, the Assignee does not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor does the Assignee concur that the basis for the rejection of any of the dependent claims is proper. Therefore, the Assignee reserves the right to specifically address in the future the further patentability of the dependent claims not specifically addressed herein.

Additional Claim Amendments

In addition to making the above-discussed amendments to the independent claims, all claims have been amended to delete reference numerals. This does not alter the scope of any claim, as the reference numerals are understood to not limit the claims.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the undersigned at the telephone number indicated below to discuss any outstanding issues.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, the Assignee hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed payment, please charge any deficiency to Deposit Account No. 23/2825 under Docket No. N0484.70064US00 from which the undersigned is authorized to draw.

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Respectfully submitted,

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